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 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,)	Case No. 10-600-R
)	
14 Plaintiff,)	<u>FINDINGS AND CONCLUSIONS IN</u>
)	<u>RESPECT</u>
15 v.)	<u>OF SENTENCING OF DEFENDANT</u>
)	<u>JUAN BANALES VENEGAS</u>
16 JUAN BANALES VENEGAS,)	
)	Date: March 14, 2011
17 Defendant.)	Time: 1:30 p.m.
)	
)	
)	

19
 20 The matter of the sentencing of defendant Juan Banales
 21 Venegas came regularly before the Court on March 14, 2011.
 22 Appearances of the parties and their counsel were reflected in
 23 the record. The Court read and considered the Presentence
 24 Reports for defendant as well as all pleadings, position papers,
 25 and exhibits filed by the parties in connection with sentencing.
 26 Having considered the foregoing as well as defendant's
 27 allocution, and the arguments of counsel as reflected in the
 28 record, the Court makes the following findings and conclusions:

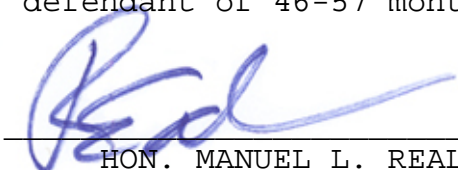
1 The Sentencing Guidelines are the starting point for the
 2 Court's determination of defendant's sentence. The Court finds
 3 the advisory Guidelines calculations to be as follows:

4	Base offense level:	7
5	Specific offense characteristics	
6	(loss)	+14
7	(sophisticated means)	+2
8	Total offense level	23

9 As to loss, the Court finds and concludes, based on the
 10 Presentence reports, defendant's non-objection to the Guidelines
 11 as calculated in the Presentence reports, and the arguments of
 12 counsel at the time of the hearing, that the amount of loss is in
 13 excess of \$400,000 and is supported by clear and convincing
 14 evidence. The amount of loss well exceeds the threshold amount
 15 of "more than \$400,000" as required by U.S.S.G. § 2B1.1(b)(1)(H)
 16 in order to support the application of a level "14" for loss
 17 under the Guidelines. As to the remaining Guidelines specific
 18 offense characteristics and adjustments, the Court adopts the
 19 findings in the Presentence reports and finds and concludes,
 20 based upon the Presentence reports and defendant's non-objection
 21 thereto that the specific offense characteristics and adjustments
 22 are supported by sufficient evidence.

23 Accordingly, the Court finds that defendant's net Guidelines
 24 offense level is 23, yielding, based on Criminal History Category
 25 I, a Guidelines range for defendant of 46-57 months.

26
 27 Dated: March 15, 2011


 HON. MANUEL L. REAL
 U.S. DISTRICT JUDGE